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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/002,187 12/31/97 HABERMAN R RIC-96-161

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TECHNOLOGY DEPARTMENT
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WASHINGTON DC 20036

EXAMINER

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ART UNIT	PAPER NUMBER
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2756

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DATE MAILED:

08/04/99

DOCKETED

Due Date

11-4-99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/002,187

Applicant(s)
Hayes et al

Examiner
Thong Vu

Group/Art Unit
2756



☒ Responsive to communication(s) filed on Dec 31, 1997

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-29 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-29 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

Art Unit: 2756

DETAILED ACTION

Drawings

1. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

Specification

2. For ease of referencing, the Applicant is requested to number the lines of the claims according to the number of the lines of the claims, not according to the line number of the page.
3. Claim 2 is objected to because of the following informalities: *the highest available computational power* is not described in specification. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

Claims 1,3-5 are rejected under 35 U.S.C. § 102 [a,e] as being unpatentable over Staples et al [5,764,639]

As per claim 1, Staples et al disclose *A method for establishing a virtual circuit* or virtual telephone [col 6 line 67] *from a client to one of a plurality of servers through a network* [col 9 line 11], *comprising the steps of receiving a request for connection from a client* or a software application makes a call which requests a modem, virtual com port software executing on the

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remote computer system or server determines if the software application should be granted access to a virtual COM port of the modem which connected to a client [col 15 lines 50-60], *wherein said request specifies a functional group* or peer group of ATM network [col 4 line 47], *and wherein said functional group includes a plurality of servers* or virtual present servers [col 9 line 11], *each capable of servicing said client; selecting a server from said functional group; computing a route to said server such as ...*in these instances the PBX 112 automatically routes calls to the remote user at the direction of the virtual presence server [col 19 lines 40-43]; *and establishing a virtual circuit from said client to said server via said route* or connection [col 20 line 2]. By this rationale claim 1 is rejected.

As per claim 3, Staples et al disclose *a telephone switching system* or PSTN [col 4 line 40]. By this rationale claim 3 is rejected.

As per claims 4 and 5, Staples et al disclose network is an ATM network [col 4 line 47] and TCP/IP network [15 line 32]. By this rationale claims 4 and 5 are rejected.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 8 are rejected under 35 U.S.C. § 103 as being unpatentable over Staples et al [5,764,639] in view of Venkateswaran et al [Hierarchical Multicast Routing in ATM Network, IEEE 4/96]

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- **Richter et al.** System for Enabling First Computer to Communicate over Switched Network With Second Computer Located Within LAN by Using Media Access Control Driver in Different Modes [5,630,061]
- **Elwalid et al.** Method for Admission Control and Routing by Allocating Network Resources in Network Nodes [5,838,663]
- **Thorton et al.** Adaptive Routing Mechanism for Torus Interconnection Network [5,701,416]
- **Kim.** Traffic Control Apparatus and Method of User-Network Interface of Asynchronous Transfer Mode [5,519,689]
- **Venkateswaran et al.** A Scalable, Dynamic Multicast Routing Algorithm in ATM Network [IEEE8/97]

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Thong Vu, whose telephone number is (703)-305-4643. The examiner can normally be reached on Monday-Thursday from 6:30AM- 4:00PM. The examiner can also be reached on alternate Fridays during the same hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Frank Asta*, can be reached on (703) 305-3817 or via e-mail addressed to [*Frank.Asta@uspto.gov*]. The fax number for this Group is (703) 308-6606 or 308-9731

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [**thong.vu@uspto.gov**].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Thong Vu

Jul 26, 1999



FRANK J. ASTA
SUPERVISORY PATENT EXAMINER
GROUP 2700